PTO/SB/17 (01-03)

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FEE TR	AN	SMI	TTAL
for	FY	200	3

Effective 01/01/2003. Patent fees are subject to annual revision.

X Applicant Claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT \$860.00

Complete if Known					
Application Number	09/912,049				
Filing Date	July 24, 2001				
First Named Inventor	Thomas G. Rehberger et al.				
Examiner Name	Irene Marz				
Group Art Unit	1651				
Attorney Docket No.	362.003				

METHOD OF PAYMENT (check all that apply)	FEI		FE	E CALCULATION (continued)	(2)	
X Check Credit card Money Other None	3. A	DDITIO	NAL F	EES		
A Great Care Contain C		Large Entity   Small Entity				
Deposit Account .	Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
Deposit Account 50-1170	105	130	205	65	Surcharge – late filing fee or oath	
Number					On the second of the second	
Deposit Account Boyle Fredrickson Newholm Stein & Gratz S.C.		50	227	25	Surcharge – late provisional filing fee or cover sheet	
Name	139	130	139	130	Non English engelitiention	
The Commissioner is authorized to: (check all that apply)  Charge fee(s) indicated below  x Credit any overpayments	147	2,520	147	2,520	Non-English specification  For filing a request for ex parte reexamination	
		•		-	Requesting publication of SIR prior to	
x Charge any additional fee(s) during the pendency of this application	112	920*	112	920*	Examiner action	
Charge fee(s) indicated below, except for the filing fee	113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
to the above-identified deposit account.						
FEE CALCULATION	115	110	215	55	Extension for reply within first month	]
1. BASIC FILING FEE	116	410	216	205	Extension for reply within second month	
Large Entity   Small Entity	117	930	217	465	Extension for reply within third month	\$475
Fee Fee Fee Fee Description Code (\$) Code (\$) Fee Paid	118	1,450	218	725	Extension for reply within fourth month	
101 750 201 375 Utility filing fee	128	1,970	228	985	Extension for reply within fifth month	
106 330 206 165 Design filing fee	119	320	219	160	Notice of Appeal	
107 520 207 260 Plant filing fee	120	320	220	160	Filing a brief in support of an appeal	
108 750 208 375 Reissue filing fee	121	280	221	140	Request for oral hearing	
114 160 214 80 Provisional filing fee	138	1,510	138	1,510	Petition to institute a public use proceeding	
114 100   214 00 1 Tovisional ming loc	140	110	240	55	Petition to revive – unavoidable	
SUBTOTAL (1) (\$)385	141	1,300	241	650	Petition to revive – unintentional	
2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE	142	1,300	242	650	Utility issue fee (or reissue)	
Fee from Extra Claims below Fee Paid	143	470	243	235	Design issue fee	
Total Claims -20**= X	144	630	244	315	Plant issue fee	
Independent - 3**= X =	122	130	122	130	Petitions to the Commissioner	<u></u>
Multiple Dependent =	123	50	123	50	Processing fee under 37 CFR 1.17(q)	
Large Entity Small Entity	126	180	126	180	Submission of Information Disclosure Stmt	
Fee Fee Fee Fee Fee Description	581	40	581	40	Recording each patent assignment per	
Code (\$)	146	750	246	375	property (times number of properties) Filing a submission after final rejection (37 CFR § 1.129(a))	
102 84 202 42 Independent claims in excess of 3	149	750	249	375	For each additional invention to be examined (37 CFR § 1.129(b))	
104 280 204 140 Multiple dependent claim, if not paid	179	750	279	375	Request for Continued Examination (RCE)	\$385
109 84 209 42 **Reissue independent claims over original patent	169	900	169	900	Request for expedited examination of a design application	
110 18 210 9 **Reissue claims in excess of 20 and over original patent						
SUBTOTAL (2) (\$)	Other	fee (spe	cify)			
** or number previously paid, if greater; For Reissues, see above	1	ed by Bas	• •	Fee Paid	SUBTOTAL (3) (\$)	860.00

SUBMITTED BY					Complete (if applicable)		
Name (Print/Type)	,Mary E. Eberle	Registration No. (Attorney/Agent)	43,599	Telephone	(414) 225-9755		
Signature	Malle & Charles			Date	February 18, 2004		

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FROM : AGTECH PRODUCTS INC 7 E 3 FAX NO. : 2625212442

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s):

O'NEILL and REHBERGER

Art Unit: 1651

Serial No. 09/912,049

Examiner: Irene Marx

Filed: July 24, 2001

Attorney Docket No. 362.003

For: Direct-Fed Microbial

## STATEMENT UNDER MPEP §2406.02

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

The undersigned hereby states the following.

- Biological material was deposited at the ATCC under ATCC Accession Nos. ATCC PTA-5271 (P169) and ATCC PTA-5272 (P170).
- The biological material that was deposited under ATCC Accession Nos. ATCC PTA-5271 (P169) and ATCC PTA-5272 (P170) are biological materials specifically identified in the application (the filing date of which is relied upon) as filed.
- I am in a position to corroborate that the biological material which was deposited is a biological material specifically identified in the application (the filing date of which is relied upon) as filed because I personally made the deposit to the ATCC.

mi a Belle D

Marianne Bellot, Laboratory Manager